

AMENDMENTS TO THE DRAWINGS

The attached replacement sheet includes amended FIG. 1 in accordance with the requirement set forth in the Office Action.

Attachment: Replacement sheet (1)

GMC4100

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REMARKS/ARGUMENTS

The Office Action mailed 6/10/2005 objected to FIG. 1 of the drawings. Applicants submit herewith a replacement sheet amending FIG. 1 as required by the Office Action.

The Office Action objected to claims 4, 5, 13 and 21 suggesting changes to all claims. Applicants appreciate the thorough consideration given by the Examiner to the pending claims. Applicants agree with the Examiner's suggested changes to claims 5 and 13 and present amendments consistent with the suggestions.

However, Applicants respectfully decline the suggested changes to claims 4 and 21 and offer the following rational in traversal of the Examiner's objection. Applicants believe that deletion of "a" preceding recitation of "subjective power loss" in claims 4 and 21 unnecessarily limits the breadth of those claims. Applicants believe that such deletion may unintentionally suggest that all individually identifiable subjective power losses may be included in the limitation corresponding to "subjective power loss." Applicants wish to preserve the broadest interpretation of the limitation which as originally presented includes one individually identifiable subjective power loss, does not exclude multiple individually identifiable subjective power losses and is not limited to all individually identifiable subjective power losses. Therefore, Applicants respectfully request that the Examiner reconsider the basis for the objection and reexamine claims 4 and 21 in light of the preceding arguments.

The Office Action rejected claims 4 and 21 under 35 U.S.C. 112, second paragraph, as lacking antecedent basis for "said substantially minimum system power loss" and for "energy storage system." Again, Applicants appreciate the thorough consideration given by the Examiner to the pending claims. Applicants have amended claim 1 to resolve the lack of antecedent support for claims 4 and 21 as noted by the Examiner. The amendment to claim 1 also necessitated the amendment to claim 6 which now recites "said substantially minimum system power loss." And, Applicants have amended claims 4 and 6 to which now recite "energy storage device" and agree with the language of claim 3 from which they directly depend. Applicants believe that the amendments to claims adequately overcome the Examiner's rejection of claims 4 and 21.

The Office Action provisionally rejected claims 1-11, 13-17 and 21 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 11-16 and 25-29 of copending Application No. 10/965,674. Applicants submit with this paper a terminal disclaimer under 37 CFR 1.321(c) effective to obviate the subject provisional obviousness-type double patenting rejection.

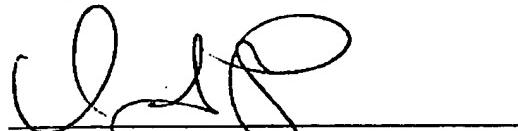
The Office Action rejected claims 1-21 under 35 U.S.C. 102(e) as being clearly anticipated by Cawthorne et al. (US2005/0080537). Applicants submit with this paper a declaration under 37 CFR 1.132 effective to overcome the subject anticipation rejection by the showings contained therein, including the uncontradicted and unequivocal statements by Applicants that any invention disclosed but not claimed in US2005/0080537 was derived from the Applicants and thus is not invention "by another" as required to support an anticipation rejection under 35 USC 102(e).

Therefore, Applicants have made good faith efforts at overcoming all objections and rejection contained in the subject Office Action and respectfully request reexamination of the application in light of this paper and the supporting submissions discussed herein.

If the Examiner has any questions regarding the contents of the present response he may contact Applicants' attorney at the phone number appearing below.

Any fees associated with this response, including specifically the terminal disclaimer fee required under 37 CFR 1.20(d), may be charged to General Motors Deposit Account No. 07 0960.

Respectfully submitted,



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